

**Minutes  
State Board of Education  
Monday, June 28, 2004**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting was called to order at 9:05AM.

**Members Present**

Ms. Nadine Mathis-Basha, President  
Dr. Matthew Diethelm, Vice President  
Dr. Michael Crow  
Ms. JoAnne Hilde  
Ms. Evangelina “Conkie” Hoover  
Superintendent Tom Horne (by telephone)  
Ms. Joanne Kramer  
Dr. John Pedicone

**Members Absent**

Ms. Armida Bittner

***Board Business***

Pledge of Allegiance, moment of silence and roll call.

***Minutes for State Board of Education***

Motion by Dr. Diethelm to approve minutes as submitted for the May 17, 2004 Study Session and minutes with technical changes which are minimal as submitted for the May 24, 2004 State Board of Education meeting. Seconded by Ms. Kramer. *Motion passes.*

***President’s Report***

Ms. Basha stated that they were delighted to have Ms. Christy Farley, Executive Director, back.

***Superintendent’s Report***

Superintendent Horne, did not submit a report at this time, but requested a change to the order of the agenda due to his schedule.

Ms. Basha responded that Item 6K would be considered after Item 6C and Item 6J will also be moved since both items require the Board to go into Executive Session and can be discussed together.

***Member Reports***

Dr. Pedicone reported on the Arizona Leads meeting, which he attended on behalf of the State Board of Education. The Department is aggressively approaching the submission on the grant from the Wallace Foundation to support leadership in Arizona. Dr. Pedicone noted that school people and business leaders from around the state have been assembled to look at this leadership program and influence some pretty impressive procedures within Arizona enhancing and mentoring leaders. Dr. Pedicone stated it was a good meeting and more meetings are to be scheduled for the future.

Dr. Diethelm attended the third NASBE meeting regarding “Closing The Achievement Gap”. The “gap” is defined as economic, race or ethnicity, neighborhood, or the gap between the United States and the rest of the world. This was the final meeting of this group and the final report will be presented at the October 2004 national meeting. Dr. Diethelm gave a brief preview of some of the solutions for closing the achievement gap:

- leadership and teacher development in management
  - put the best teachers in the classrooms that have the most need. Dr. Diethelm suggested that these ideas may be discussed further within the Master Teacher issue.
- make sure everyone understands the standards, accountability, and measurements

- these should be universally applied and everyone from the student to the parent is responsible and must be held accountable. Dr. Diethelm noted that a key area is called “formative assessments” that are used to understand what each individual student needs and then to form the education for that student around his needs.
- requires extra time and resources
  - longer school days, Saturdays, summers, whatever it takes.

Dr. Diethelm stated there are some major processes and training changes that will need to be considered. He added that he sees some areas in which we are starting to move and doing the right thing. More details will be included in the final report from NASBE.

Ms. Basha added that it is going to be increasingly more difficult to close the achievement gap if the readiness gap is not dealt with. Children are coming to school not ready and not prepared but as the standards movement becomes stronger within the K-12 system achievement is increasing. In Arizona one out of every five children lives in poverty and doesn’t have access to good beginnings and Ms. Basha expressed a hope that these factors were part of the dialogue at NASBE.

Dr. Diethelm stated that there is a section in NASBE’s final report that indicates that the earlier a student starts, the easier it is and the more cost effective their education will be.

Ms. Hilde reported on her attendance at the Arizona Town Hall held in Prescott, Arizona, representing the State Board of Education, but attendees were encouraged to leave their labels at the door. Ms. Hilde stated that from time to time it was difficult as popular knowledge is sometimes a little off kilter when dealing with No Child Left Behind and Arizona Learns. She added that a lot of very passionate people about K-12 education were in attendance and noted that the report will indicate areas that will be important for the State Board to look at and part of it will send a message that we need to work more diligently in getting out what we are doing and why, and under whose authority issues fall. Ms. Hilde added that some discussions focused on areas that the State Board of Education has no authority, rights or abilities to make significant change. Ms. Hilde stated it was wonderful to be in a group that included leaders in non-profit agencies who deal with students in a wide variety of areas where there was passion on behalf of K-12 education.

Ms. Hilde also attended a meeting on the induction process sponsored by Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education. Educators from Arizona attended who are committed to making sure that in dealing with the teacher pool, we make sure we get the best, brightest, and most qualified and have done the right thing to keep them in the classroom.

Superintendent Horne responded in regard to formative assessment, stating this is one of the Arizona Department of Education’s major initiatives, as set forth in a presentation made at the Study Session in Tucson. In addition, Mr. Horne commented regarding readiness for school stating that students come to school with a gap, the tendency is for the gap to increase because the more you know, the quicker you can learn on the basis of what you already know. That is why it is so important to increase the students’ intellectual capital at very early ages.

### ***Director’s Report***

#### **1. Education Related Legislation**

Ms. Farley stated the Board was very successful in the issues pursued this session including making modifications to the investigative process and timelines, as well as approval for an additional investigator and funding to help process the cases more quickly.

The Board will have additional rulemaking to engage in due to the alternative textbook format legislation with respect to Braille literacy. Ms. Farley added that efforts were made to educate the legislature about timelines and rulemaking and that those efforts will continue as we go along since the legislature did insist on including a date for adoption.

The Superintendent was successful in pursuing allowing a change to the definition of MAP. No changes for this year’s Arizona Learns profiles will be recommended but in the future a modified version of

MAP will be presented to the Board for discussion.

With respect to this Board, the addition of two new members was referred to the ballot. These members will be a charter school operator and an additional lay member, in addition to modifying the community college representation pending the end of Ms. Hoover's term that would add a president or chancellor of a community college in place of what was the state board representative since that entity no longer exists.

The State Board for Charter Schools received continuation for ten years and they also expanded their membership to add a charter operator and one charter school teacher. The State Board for Charter Schools will also be required to have one of their six public members from an Indian reservation. The full-day kindergarten phase-in passed as part of the budget and the Board will be updated on the implementation of that program.

The State Trust Land Reform effort was determined to be too expansive for the '04 ballot. A legislative committee will continue to work on this package with the hope that they will have a special election in May 2005 on this issue.

## 2. Rulemaking Process Overview

The rulemaking process as stated in statute provides for public input. The Arizona Department of Education and State Board staff has gone to great lengths to seek public input through task forces, circulations to organizations and a variety of other means, which are all informal to include into the first rules recommendation that is brought to this Board. The Board then has to open the docket, engage in notice of proposed rulemaking where actual draft rules are presented, approved, and published. Then the Board holds a formal public hearing. Following that the Board has the option of moving forward to final rulemaking with only technical changes to the proposed rules or with supplemental rulemaking, which allows for substantive changes and basically starts the process all over again. It is often frustrating to the public to think that they have either presented to the Board or gone through a public process only to repeat this in the formal public hearing but it is very important that as much vetting as possible is done in the proposed rulemaking process. The rulemaking process itself allows for additional public comment where more people can come in and then sometimes the Board modifies as appropriate or moves forward based on the process that has been undertaken. Because there are several rulemaking issues before the Board today, and several were on the May 2004 agenda, it is important to make sure this entire process is understood.

In addition, Ms. Farley stressed that when the Board approves to open a docket that is notice out to the public with no proposal attached, but simply notice that this issue is being discussed. Last month the Board did that with regard to certification and the reforms that are going to be undergone. This month the ADE staff is recommending that this be done with regard to Exceptional Student Services administrative hearings. This is done when there is enough time and the issues are so large that additional time needs to be allowed for public notice and input. As clarification, Ms. Farley stated that there is no proposal associated with this preliminary action but notice that the Board's intent is to engage in conversations and proposed rules will come at a later time where the actual language is provided.

## 3. Review of Board FY 2005 Budget

This is the second year the budget has been brought to this Board for review. The budget shows the amounts spent in the last fiscal year and this year. We were successful in adding an additional FTE to the Investigative Unit, reflected in the salary item. The office was re-organized in January changing one administrative position to an investigator in an effort to get a better handle on caseloads. As part of the budget an additional amount of money was requested to fund legal support to hold hearings and prepare documentation necessary to move forward. The salary and ERE increases include the \$1000 per employee that was given in the budget signed by the Governor.

## 4. Review of Continued ISA with the Charter Board

Included in this year's budget is continuing language to keep a moratorium on this Board for sponsoring any new charter schools. Districts are still able to sponsor new charter schools and the State Board for Charter Schools sponsors the majority of charter schools, around 50 new schools per year. We will continue our Intergovernmental Service Agreement with the Charter Board to provide for the remaining

schools that are sponsored under this Board.

Dr. Pedicone noted that the rulemaking system works well in terms of getting input but it is confusing. He suggested that presentations could be made in breakout sessions at conferences held by various associations such as AEA, ASBA, ASA and others.

Ms. Farley responded that they would be happy to put this offer out to these organizations. In addition, we will look at the possibility of putting a flow chart delineating the rulemaking processes on our web site as a reference.

Ms. Basha emphasized that this process was done this way because the Board cares greatly about public comment, and what teachers, administrators and university professors are thinking about these issues.

Ms. Basha noted that the State Board finds the public participation and voices critical in this process.

### 3. CONSENT ITEMS

- A. Consideration to Approve Contract Abstracts
- B. Consideration for Approval of Optional Performance Incentive Program and Budget for Fiscal Year 2004-2005 Relating to A.R.S. § 15-919 for Joseph City Unified School District and Sedona-Oak Creek Unified School District.
- C. Consideration For Preliminary Approval For Additional Monies For Teacher Compensation For 2004-2005 For Yavapai Accommodation School District Pursuant to A.R.S. § 15-952(A)(1)
- D. Consideration to Approve the Award of Academic Contest Funds Pursuant to A.R.S. § 15-1241.
- E. Consideration to Accept the Voluntary Surrender of the Credentials of the Following Certification Cases:
  - 1. Meghan Howell, Case No. C-2004-056
- F. Consideration to Accept the Automatic and Permanent Revocation, Pursuant to A.R.S. § 15-550, of the Following Certification Cases:
  - 1. Elizabeth G. Pollock, Case No. C-2003-084
- G. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
  - 1. David E. Andreen, Case No. C-04-030-R
  - 2. Louise Crosby, Case No. C-2004-082-R
  - 3. Steve Zimmerman, Case No. C-2004-065

Motion by Ms. Hoover to approve the Consent Agenda items with the exception of Item 3G3. Seconded by Dr. Pedicone. Motion passes.

Ms. Kramer recused herself from Item 3G3 as she has known Mr. Zimmerman for many years. Motion by Ms. Hoover to approve the recommendation regarding Item 3G3. Seconded by Dr. Diethelm. *Motion passes.*

Ms. Hilde asked for clarification regarding the contracts around innovation and student performance, asking for periodic reports regarding these activities.

Ms. Farley stated that a majority of these are federal dollars, some new dollars and some re-allocated, and reports that include overviews and/or status updates will be scheduled in the future.

Ms. Basha stated that it would be helpful for this Board to know the effectiveness of the dollars being spent on dropout prevention.

Dr. Pedicone noted that in the past the dollars for Academic Contests were distributed to all who applied based on the \$50,000 limit and asked if there was a change in that process.

Ms. Farley noted that there are some statutory requirements and Board rules and a more definitive answer will be forwarded to the Board at a later date.

### 4. SPECIAL PRESENTATION

Ms. Michelle Steinberg, Executive Director, Kids Voting Arizona presented background and current information on the Kids Voting program and thanked the Board for their support. (See materials in information packet)

Ms. Hilde asked how the curriculum has been distributed in past years and how it is being done now. Ms. Steinberg explained that it is done across the state to all teachers that include specific grade-level activities. This year the curriculum will be via teacher guides, posters, CDs, and other educational materials. In addition they are adding an on-line voting opportunity for students. Kids are allowed to cast votes specific to their legislative and congressional district. They can also go to the polls with their parents on election day and cast a ballot or request an early ballot.

Ms. Basha stated that her children participated in this great program and commended its efforts. She added that we should be proud that this program started in Arizona and noted that it is important to separate politics from true civic engagement and participation in the political process by voting.

## 5. CALL TO THE PUBLIC

Ms. Becky Hill, Education Advisor, Office of the Governor, addressed the Board regarding Item 6B as she had to leave. Ms. Hill stated that the framework being presented today captures nicely what the working group believed was a combination of both the intent of the Governor and those elements that ideally should be part of any Master Teacher recognition and mentoring program. Ms. Hill stated that she hopes this document will be approved today after which it will go out for public comment. Ms. Hill added that while the framework is out for public comment, the Governor's Office will continue working on the implementation plan which will include the application process, allocation of the \$250,000 seed monies, and what the next steps will look like following year one.

Ms. Hill added that the Certification Task Force is discussing a Master Teacher Certificate and that the Governor believes expert teachers should be recognized. Whether "Master Teacher" ultimately becomes a formal state credential or whether it becomes a program separate from certification, recognizing the best and the brightest and making sure that all teachers have an opportunity to learn with the best and the brightest is the common goal. Ms. Hill added that over the next few months these ideas could be fine-tuned and blended for the purposes discussed by Dr. Diethelm for improving student achievement and closing the achievement gap.

Ms. Hill stated she is confident that by September she will be able to come to this Board with additional recommendations about the allocation of the seed money and what the application process will look like. She stated that as soon as the Board's final approval is given the process of taking applications could begin and that it would be nice to be able to announce the first Master Teachers before winter break is taken. Ms. Hill also reiterated her availability to the Board to answer any questions that may arise in the meantime.

## 6. GENERAL SESSION

- A. Consideration to Approve Application For Certification, Deny Application For Certification, or Remand The Matter To The Professional Practices Advisory Committee for Further Consideration by Additional Committee Members for the Following Individual:

- 1. James Martin Dillon, Case No. C-2004-105

Ms. Basha noted that this item has been postponed.

- B. Presentation, Discussion and Possible Consideration to Approve an Initial Definition and Framework for the Governor's "Master Teacher" Initiative to Publish for Public Comment.

Ms. Farley reviewed the draft framework. (See Attachment) This is an initial recommendation and it is felt this should be distributed to all education organizations. After gathering all input, a final recommendation will be brought to the Board. The goal is to have a system, whether it is separate from Certification or a parallel system, but to have something that does not cause confusion. Should this program go forward as more of a mentoring side of the vision set forth by the Governor, it may be appropriate to use a third tier for certification as a distinguished teacher or a certificate of distinguish. The terminology is still under conversation and something to keep in mind. The parallel visions are to recognize an individual's excellence in their own classroom and through their own professional

development and the second is the Master Teacher charge that has been given to us to identify an individual who has mentoring capabilities to not only excel in their own classroom but also to share with others and help them through their professional development.

- C. Presentation, Discussion and Possible Consideration for Further Action Concerning Proposed Rule Amendments to R2-7-613 Regarding Structured English Immersion Endorsement for Teacher Certification, Including But Not Limited To, Consideration to Approve Notice of Supplemental Rulemaking, to Close the Record and Approve Notice of Final Rulemaking and/or Discussion of Options for Possible Future Rulemaking. Pursuant to A.R.S. §38-431.03 (A) (3), the Board may vote to go into Executive Session for consultation and legal advice in connection with this issue.

Ms. Farley stated that in her absence the past month, legal staff has been working on the development of the rules and will present the changes and possible options today. Ms. Farley noted that members had previously received a draft of the public hearing held on May 12, 2004 and now a final transcript has been provided.

Ms. Dena Epstein, Assistant Attorney General, presented the background information and public comment information received since the last Board meeting. Letters have been received that have been both critical of and in support of the Board's proposal. Ms. Epstein reviewed the letters submitted by Mr. Hogan, including his opinion of the 60 hours of training set forth in the current rules proposal was inadequate. He suggests the Board abandon or reject the proposed rules and start the rulemaking process from the beginning.

Ms. Epstein reiterated that originally there were three options. "Option 2" was adopted by the Board based on the task force recommendations and "Option 3" was proposed by the bilingual consortium and was not adopted by the Board.

Ms. Epstein stated that from some letters it was not clear whether the writers understood that a teacher can maintain the provisional SEI endorsement as well as the additional training required through professional development offered by the district and wasn't required to go through university or college courses, but nonetheless there was concern about the additional requirement imposed by these rules from some practitioners.

Ms. Epstein listed letters received from individuals supporting the current rules proposal.

Ms. Epstein referred to the revised rules submitted for the Board's consideration and explained the changes that were made. Some changes were in response to public comment but generally the effort was to make the rules as clear as possible.

Ms. Epstein reiterated the Board's options:

- Adopt the revised rules with the classroom teacher definition and issue a notice of supplemental rulemaking;
- Adopt the revised rules and omit the classroom teacher definition and issue a notice of final rulemaking; or
- Adopt the revised rules without the definition of classroom teacher, issue a notice of final rulemaking but start another rulemaking process to either define classroom teacher or to address any of the other issues related to these rules that have been raised in the public comment.

Ms. Epstein added that under the third option the Board could:

- Define what the issues for further study might be;
  - Establish what mechanism might be appropriate to consider these issues;
  - The mechanisms available could include directing the Arizona Department of Education to reconvene the task force; and
  - Appoint an advisory committee to look at the issues warranting further study or consideration.
- A fourth option would be for the Board to take out the definition of classroom teacher, put final rulemaking in place, let the field implement them and based on feedback and data, determine whether or not it is appropriate to engage in further study or further rulemaking once there has been some time to operationalize and implement the rules.

Ms. Epstein asked Ms. Margaret Garcia Dugan, Associate Superintendent of Academic Achievement, Arizona Department of Education, to present the Arizona Department of Education's view on the rulemaking process and its recommendations.

Ms. Hoover clarified that Option 4 could be adopted without the Board defining classroom teacher since the 2001 Attorney General opinion would be included. Ms. Epstein replied that this is correct and that it is the Board's prerogative to define who should be covered by the rule. If this classroom teacher definition is felt to accurately capture who should be subject to the requirement then that is the only action needed at this time. Ms. Epstein added that if the Board feels that further study is warranted it has the option to allow for that.

Ms. Hilde stated that regarding the definition of teacher very often the role of the para-professional has come up in terms of the importance of their role in a classroom. Ms. Hilde asked if the role of the para-professional needed to be included in the definition in the future or whether there is some assumption in saying teacher and allowing districts to make the decision. Ms. Hilde wondered if the definition should include all who are involved in the classroom but not necessarily all para-professionals.

Dr. Pedicone asked for clarification and recommendations from the Arizona Department of Education regarding definitions as in the case of a librarian or others not included in the definition but who teach a substantial period of time whether they fit into the Prop. 301 definition. Dr. Pedicone pointed out that there are certain criteria that have to be met in order for that to happen. Dr. Pedicone stated that a superintendent or principal who has one ELL in their school has to have the SEI endorsement adding that all folks necessary should have this endorsement. Some should not be eliminated because the definition may or may not be too limited.

Ms. Hilde stated that rather than so closely defining the term but allowing districts to have that latitude, she is comfortable with that option.

Dr. Diethelm asked if the 301 definition is more inclusive?

Dr. Pedicone stated that in some respects it is restrictive and his concern is that within that difference the determination is made as to whether someone gets 301 monies and whether or not they have to have the endorsement. Dr. Pedicone stated he is not sure if the definition works for both or not.

Ms. Epstein clarified that Proposition 301 uses the term "teacher" and the question raised was whether "teacher" for purposes of Proposition 301 only includes those traditional classroom teachers or does it include other certified or non-certified teachers and the answer provided in the opinion is that Proposition 301 monies are not limited to classroom teachers but could include a broader group of people. Ms. Epstein stated that the Board could use "classroom teachers" importing that definition from the Attorney General opinion which says that a classroom teacher is a teacher who is responsible for providing academic instruction in a particular grade level or a particular academic subject. Ms. Epstein added that if the Board feels it is appropriate to expand the group to include para-professionals this would require a further rulemaking process.

Dr. Pedicone stated that we need to get this moving by approving accepting that definition and then in the near future go back and examine whether or not that definition works or if it needs to be modified in additional rulemaking.

Ms. Garcia Dugan stated that the English Acquisition Service Unit, Arizona Department of Education, was directed to clarify the proposed rules and add specificity when applicable. On behalf of the SEI Endorsement Task Force and the Arizona Department of Education, Ms. Garcia asked the State Board to adopt the proposed rules without the definition of classroom teacher and replace the definition of classroom teacher with that of the Attorney General because they believe it will suffice. Any further changes will be technical. In addition, Ms. Garcia Dugan requested the State Board move to final rulemaking for the following reasons:

- Many letters sent to the Board by ELL teachers, district trainers and principals testifying that the provisional 15 clock hours are sufficient for successful teaching and learning of English for the ELL population;
- Dr. Janet Echevarria sent a letter to the State Board stating the 15 hours of required Structured English Instruction would be a giant first step in preparing teachers to work effectively with our

ELLs.

- Dr. Janet Echevarria, Dr. Deborah Short, Center of Applied Linguistics, Washington, D.C., and Dr. Mary Ellen Vogt, California State University Long Beach developed the SIOP method which is a scientifically based research model where they have a proven approach for structured instruction that helps ELLs develop oral language proficiency while building academic English literacy skills and subject area knowledge. The SIOP model is a product of six years of research sponsored by the National Center for Research and Evaluation Diversity and Excellence (CREDE) and funded by the Institute for Education and Science, United States Department of Education. Teachers throughout the nation as well as here in Arizona are implementing many strategies and methodologies of the SIOP model. The hope is that when the curriculum for SEI endorsement is discussed with a newly formed task force, which will include participation from all stakeholders, it will incorporate the SIOP model.
- No Child Left Behind states that any educational programs that are implemented in our schools must be scientifically based.
- In addition to the requirement of a scientifically based model for teaching ELLs, NCLB has also changed the landscape in the requirement of highly qualified teachers. By the school year 2005-2006 all schools must employ teachers who have 24 credit hours in the subjects they are hired to teach. This is a positive giant step for ELLs. At this time, and prior to NCLB, the Arizona middle or high school teacher did not have to obtain the number of credit hours to teach a subject like English to our ELLs but merely obtained an ESL or bilingual endorsement. By having the requirement of content knowledge in the subject the teacher is to teach and the 60 clock hours, or 4 college units, of SEI will be a positive step for the education of ELLs in this state that has never happened before.

On behalf of the SEI Task Force, Ms. Garcia Dugan stated they believe the best course of action would be to move to final rulemaking and not call for further study of the rules. The Task Force met five times, was compromised of members from all three universities, community colleges, ELL teachers, and ELL coordinators throughout Arizona, and believes they have fully studied the qualifications for the SEI endorsement with an inclusive group of professionals. Ms. Garcia Dugan noted that the revised rules do comply with EEOA and the adoption would not be arbitrary and capricious. Ms. Garcia Dugan added that moving to adopt “Option 2” or “Option 4” as presented by Ms. Epstein would get us closer to giving out the approximately \$14M from HB 2010 for training teachers of ELLs. These monies have not been given out to date because of the juncture in the road of identifying an SEI endorsement and this would help the community colleges, universities and local districts to begin training in either professional development or college credit of SEI for Arizona educators thereby giving our ELL population the educational programs they so deserve.

Dr. Crow asked what level of consensus was reached by the task force and what were the areas of disagreement?

Ms. Garcia Dugan responded that the only dissenting vote was from an English Language Coordinator who felt they did not have ELLs in their schools and therefore such an endorsement would not be taken positively in that district. Ms. Garcia Dugan stated this was the only dissenting vote and the rest was by consensus after five meetings.

***Comments from the public:***

Ms. Anne Swigard, Paradise Valley District, supports “Option 2”. Please see comments in materials packet.

Ms. Donna Orozco, Paradise Valley District, with over 50% ELLs at their school, has a Master’s Degree in ESL and supports “Option 2”.

Mr. Conrado Gomez stated he is a strong proponent of bilingual education, believes SEI needs to work but 15 or 45 hours of work in this area is not enough. He strongly urged the State Board to reconsider and adopt “Option 3” or a combination of “Option 2 and 3”.

Ms. Carol Maze, 7<sup>th</sup>-8<sup>th</sup>-grade teacher, Challenger Middle School, Glendale Elementary School District, is



ESL endorsed and a language acquisition mentor for the school's 60 teachers. Ms. Maze stated that she feels 15 hours of quality training in professional development, including SIOP, which is used at their school, helps prepare teachers to teach ELLs. Ms. Maze assists the teachers in implementing strategies they have learned in the training, which includes content and language objectives with SIOP methodology. Ms. Julie Gomez-Baker, Mesa Public Schools. ADE website states endorsements are areas of specialization. This does not denote an area of specialization. All this can be implemented through the recertification process. Teachers certified before August 2006 have until 2012 to get initial training. The endorsement is attached to their certificates and the average teacher is not going to pay additional fees to get a new certificate once the endorsement of three years expires. Mesa uses SIOP, GLAD and SDAIE for recertification.

Mr. Tim Hogan, Arizona Center for Law in the Public Interest. This is qualifications for all classroom teachers and does not differentiate for teachers of ELLs. Cannot punt this responsibility to schools/districts. Mr. Hogan stated it makes no sense whatsoever to have a situation where a teacher with 100% ELLs in the classroom has to have the same requirements as the teacher with 0% ELLs in the classroom and added that there is a huge disconnect going on here. He stated that if this is what the Board means, it should simply be said that we don't believe teachers with 100% ELLs need any additional requirements over and above what every other classroom teacher needs.

Ms. Rose Johns, Osborn School District. Should not eliminate teaching theory. Should also question effectiveness of one-shot workshops. (Please see prepared comments in materials packet)

Ms. Dan McKeever, 7<sup>th</sup> Grade Math, Royal Palm School, Washington School District. Had ELLs with no training and learned strategies on his own which have been successful. To have 15 hours of training before beginning teaching is a benefit.

Mr. Tom Bonnette, Reading Recovery and Language Arts Teacher, Royal Palm School, Washington School District. ESL endorsement training was equal to this 15-hour training he received from his district. Training focused on teaching kids and did not add in political discussions and legal/case law information. Training was within the district providing a peer network and an environment for support. Resource manuals for instructional and curriculum modification were provided by the district as a quick reference.

Dr. Carlos Ovando, Associate Dean for Teacher Education, College of Education, Arizona State University. Very little debate and passion over need for 24 credit hours in subject area to be highly qualified under NCLB, but there is when it comes to requirements for ELL teachers.

Ms. Irene Frklich, Mesa Public Schools. Focus should be on ELL needs, not what teachers do or do not want. The district has provided strategies through trainings including SIOP, GLAD and SDAIE, but that doesn't answer the "why". Teachers still need more. If we continue not to focus on the ELLs' needs, there will continue to be a very large group of students for which the achievement gap cannot be closed.

Opposed to "Option 2".

Ms. Beth King, Gilbert Unified School District. Have a large student population with a small ELL population that is mainstream except for Language Arts (35,000 students and less than 1000 ELLs). Therefore need all teachers to be trained with 15 hours of research-based training. This allows all teachers to get those skills needed to make the material comprehensible to the ELL as well as giving the teacher the sense of those things that have to be done to make ELLs feel part of the classroom family. Supports endorsement before the Board today and the fact that this allows districts to set its own requirements higher for those teaching Language Arts and lower for those teaching in content areas where the training must be very strong and where ELL methods will be helpful in the hands of a teacher who is strong in subject matter.

Ms. Andréé Charlson, ELL Support Specialist, Washington Elementary School District. Supports "Option 2". All teachers are expected to teach all students and segregation is not an option. The initiative undertaken by Washington Elementary School District closely aligns to the recommendations of the Task Force proposed in "Option 2". This option is doable, is realistic, works and raises the standard for all teachers and administrators.

Mr. Daniel Barlow, Chinle Junior High School, Navajo Reservation, Chinle, Arizona, supports "Option 2" as a member of the Task Force that worked diligently to come up with a doable option that would advance

teachers' skills and help ELLs. If districts do what they should do with professional development, with 15 hours spread throughout a semester, teachers can bring back questions and successes. This will be a giant first step in improving what we want for our kids. In addition, Mr. Barlow commented that the reason for requiring all teachers, principals and superintendents to be trained is because if they are not teaching ELLs now they will be. Principals and superintendents need to know what they are evaluating and what their district is moving toward, which is not the case right now.

Ms. Marilyn Sanchez, Teacher Training, Creighton School District. This is forward thinking to require ELL training. In her district there is not a classroom without ELLs. However, 15 hours will not make someone an expert and she expressed consternation over giving someone a title of endorsement with this amount of training. Ms. Sanchez took the SIOP training and it takes at least 27 hours for the full training and each component is critical. It is important for teachers to be highly qualified, who know the theory and methods. Ms. Zoila Cruz-Beckett, ELL Coordinator and 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> grade teacher, Coolidge Unified School District, spoke about how important it is for ELLs to graduate. Fifteen hours of training is a travesty in her experience to think that is going to be sufficient. She feels almost insulted by this. Do we want a band-aid or do we want to really take care of these kids that are going to be our future?

Dr. Crow stated there is a gap between theory and practice but that practice is always measured in the pudding. We have a grossly underperforming system/enterprise we call our K-12 enterprise. Dr. Crow suggested that those that think somehow there is a gap between theory and practice must realize that unless we come up with some new theories and some new ways to approach this extremely complicated multicultural question we're not going to make the kind of progress that we need to make. The supposition that theory and practice are in opposition to each other is something that must be carefully considered before people advance that. We need every possible technique. Our system will not produce the kind of society that we are hoping it can produce. We are not on that trajectory. Arizona is in the lower five states of performing. Dr. Crow continued that this is among the most important things we have to work on in Arizona. This is a state that will be immensely multicultural, far more than at the moment, will have dramatic differentiation from other states as a transnational place and therefore takes a serious amount of attention for us to think about how we are going to educate the young people who find themselves living here.

Dr. Crow congratulated the committee/staff in producing a practical start but cautioned not to use the word "final". This is a start, is incomplete and needs continuous attention. The need is for the highest level of training feasible, not the highest level people feel comfortable with or the training that people think fits into their schedule. The university needs to focus on and produce a type of new era teacher who has a series of core skills looking at this from a dimensional perspective.

Dr. Crow stated he finds it hard to believe that in an area of such cultural complexity 15 hours of training is enough. It doesn't seem feasible.

Dr. Crow noted that the principal/superintendent group needs more attention in this rulemaking process. Individuals at the leadership level in all schools are needed who are at the "platinum" level. These individuals have the capacity to understand the skills and the dynamics of all their teachers and can deploy their resources in a way that requires them to have a high level of multicultural awareness and special skills in this SEI and ELL environment. Dr. Crow stated that he has a number of issues with "Option 2" which is really just a start and not an end.

Dr. Diethelm commented that after working through this and hearing the discussion his position is that the first imperative is to get something useful in place for everyone and then to be sure that the process is open to the evolution as we discover how to do it better or what are the better programs that need to be put into place. Dr. Diethelm stated that what is clear is that everybody in the education system needs a foundation in how to deal with ELLs, which was the intention in "Option 2". Dr. Diethelm added that what he is not clear about is what the circumstances, environments, situations, personal capabilities are that require more and what is the "more"? Dr. Diethelm noted a point for discussion should be to proceed with the current rulemaking to get going and then perhaps open up the ESL endorsement, to define it and use that definition in special cases/circumstances in addressing further concerns.

Dr. Pedicone commented that there is a mixing of semantics and discussion of terms and if not defined, makes it hard to make decisions. When someone talks about being an expert and then compares the expert nature of teaching math with the importance of everyone being sensitive, informed and instructed in how to approach ELLs there is a difference. Dr. Pedicone stated that from his perspective to get a foundational instructional level that is appropriate for all teachers to be able to interact with ELLs, it is important to continue to look at the issue. He stated this is not a terminal decision but is the first step in making sure the right thing is being done for all students. Dr. Pedicone's perspective is that "Option 2" as proposed by the Board meets these criteria. We have to get something in the hands of the teachers and looking at the composition of the Task Force that was composed of lots of credible people he has to believe this is the right first step.

Dr. Crow responded that he is talking about a more general educational basis as opposed to a specialist-based. The real question is what is the minimum level or feasible level given all other conditions that prepare students for interaction with teachers at the best possible interface. Dr. Crow stated that his issue is that this notion of conceptualization is that this is the rule, it is done, move forward and everyone work at this level versus viewing this as the first step with a plan to approach the second step on this schedule, the third step on this schedule. He would have much more comfort in getting behind "Option 2" knowing this is what was done for now, what the committee was able to put together and let's get everyone back together and keep moving from this starting point. Dr. Crow emphasized that people need to understand this is the first collective step being taken.

Superintendent Horne stated that "Option 4" as stated by Ms. Epstein involved passing the final rule under "Option 2" but continuing to study and report back. Mr. Horne stated that this is reasonable and the Arizona Department of Education volunteers to do that. If "Option 2" is passed, the Arizona Department of Education will study and monitor constantly how it is working and report back to the Board on a regular basis regarding those findings so that further action can be taken in the future if it seems desirable.

Ms. Hoover added that the "Option 4" mentioned by Ms. Epstein expanded on the monitoring and reporting back aspect which can begin a process where changes may need to be made.

Dr. Pedicone clarified that this is not really 15 clock hours but that it is 15 clock hours plus 3 credits, which amounts to 60 hours minimum. For teachers being prepared at the university now, it is 90 hours.

Ms. Epstein stated that for teachers and administrators certified after August 31, 2006, in order to obtain the provisional there will be 3 semester hours of courses following by an additional 3 semester hours or 45 professional development clock hours of additional training.

Dr. Pedicone stated that for new teachers there are 90 clock hours and 15 clock hours plus a 3 credit course (60 contact hours) for current teachers.

Ms. Garcia Dugan added that for teachers prior to 2006 universities will have to offer three credit units, possibly 3 one-unit credits. After graduation they have to have 45 clock hours or 3 credits for a total of 6, so new teachers will have 6 credits versus veterans who will have 4.

Ms. Hilde noted a concern that there is not enough research and experience currently to know definitively what is right. In visiting a Hispanic school out of state they felt very strongly about immersion processes and they were going in this direction. Ms. Hilde also cited another school where children were not making the same progress in classrooms where immersion was not the approach. She stated this is part of building a base of knowledge. Teachers often say they need tools and the "how to" that is not provided in all university programs. Ms. Hilde is also deeply concerned that in this effort to move students to highly trained teachers in ESL, bilingual, that we run the risk of setting up those classrooms of nearly segregated natures, which is not what the Board wants to do. She is very sensitive to programs that would isolate children. Ms. Hilde stated she is comfortable in supporting "Option 4" stating this is a good first step and let's use the research necessary around us. She doesn't think there is enough research to know concretely exactly where we are going with this but the new "Option 4" followed by a systematic plan of doing legitimate research on the effectiveness of student academic growth is the first step.

Dr. Crow pointed out that the reason this seems difficult is because it is difficult.

Dr. Pedicone commented that the qualifications of the teacher are so restrictive and it is much more

important to give students and parents the option of all teachers who can provide the best instruction. Ms. Hilde addressed Ms. Andréé Charlson, ELL Support Specialist, Washington Elementary School District, stating that she used the term “instructional personnel” and asked if that is a more encompassing definition than teacher. Ms. Charlson responded that this is any person coming in contact instructionally with children.

Ms. Hilde asked Ms. Epstein to state the language on “Option 4”.

Ms. Epstein first recommended the Board take action on the rules themselves and then get into the second phase. In the second phase, the options are:

- Appointing an advisory committee;
- Direct ADE to re-convene a task force;
- Long-term monitoring as expressed by Superintendent Horne and the Board could define what processes may be appropriate for regular reporting from the Department on the implementation of the SEI endorsement requirement; and
- Consider whether further rulemaking action is appropriate.

Superintendent Horne suggested that someone could move “Option 2” with final rulemaking without the changes in the definition of teachers so it really is final and he will represent that the Department will monitor and report back to the Board on a periodic basis what is being found and what considerations the Board might want to consider. If the Board wishes, it could pass “Option 2” with that representation by the Superintendent and the motion wouldn’t need to be modified.

Dr. Crow added that the discussion regarding “Option 4” takes one step beyond the Superintendent’s recommendation and he is prepared to construct a motion.

Motion by Dr. Crow that the Board accept the technical recommendations of the Department as presented through the work of the committee structure, formerly known as “Option 2” and that the Department be further instructed to re-convene immediately and on an on-going if not permanent basis a task force to continue to look into and continue to involve programs and requirements associated with advancing SEI strategies and ELL strategies and that the Department report back to this Board on a not-less-than an annual basis with its continuing recommendations and data as to the progress that the implementation of these first generation rules might imply. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Farley stated that in order to close the docket and instruct staff to move forward with final rulemaking a second formal motion would be needed.

Dr. Crow asked why he couldn’t make a motion the way he wanted it to be.

Ms. Farley clarified that the rulemaking process requires specific steps including actually closing the record and making those actions. While Dr. Crow’s motion covers all these intents there cannot be a question as to whether the Board followed the necessary steps to forward these on to the Attorney General’s Office for consideration.

Dr. Diethelm asked if it is advisable to open another docket at this time, which encompasses the studies that are in Dr. Crow’s motion.

Ms. Epstein responded that the Board could do that although she recommended that the docket opening be brought in August with complete paperwork to take that formal step if this is the intent of the Board.

Ms. Farley added that at this point the docket opening could be framed very broadly or as directed by Board members, because we don’t know if the changes will be recommended towards programs for ELLs, for specific teacher qualifications, or qualifications for other individual that the Board doesn’t necessarily certify but minimum qualifications are required of them such as educational interpreters. There are a number of rules that could be affected and Ms. Farley would seek the Board’s guidance as to what the docket opening should reflect pending the research that will be coming in.

Dr. Crow clarified that the point of the second part of the motion is that the problem is so complex that it requires more attention than has been given to this point, which will be informed by research but will also be informed by continued consideration. Dr. Crow stated that it is not that we are going to do something, test it, evaluate it and move forward, but this is the first step, then the second step will be planned and a third step because this is a complicated process we are engaged in that requires focused ongoing attention.

Superintendent Horne asked if the Board could proceed to pass Dr. Crow's motion and then have someone move the simple motion to satisfy the technical requirements of the rule suggested by Ms. Farley. Ms. Basha responded that the Board is getting to that if there are no further comments or discussion by the Board.

The Board approved Dr. Crow's motion (provided earlier in text).

Motion by Dr. Pedicone to close the record for R7-2-613 regarding the SEI endorsement and adopt the revised rules for R7-2-613 without the definition of classroom teacher and issue a notice of final rulemaking. Seconded by Ms. Hoover. *Motion passes.*

*The Board took a brief break at 11:50AM and reconvened at 12:10PM with Items 6J and 6K.*

D. Presentation, Discussion and Consideration to Approve Opening the Docket and Notice of Proposed Rulemaking for R7-2-1001 and R7-2-1011 Regarding On-Line Bidding for School Procurement.

Ms. Farley reviewed the steps in the rulemaking process and requested the Board approve opening a docket and move forward with notice of proposed rulemaking for school districts' procurement through on-line bidding. This was required by the Legislature under A.R.S. 15-213 (A)(3) in 2002. Moving forward with these proposed rules would continue to meet the rulemaking schedule. Ms. Farley added that these rules are modeled exactly after the requirements for state agency procurement and when procurement rules are done for districts there is an allowance to modify them as necessary for use by districts. Because this is the only rulemaking that has a timeline in statute, other than the school textbook for Braille literacy rules, and the requirement is to adopt rules by the end of this year, staff recommends moving forward with what is required of state agencies and soliciting input from school procurement officers throughout the normal rulemaking process.

Motion by Dr. Diethelm to approve opening the docket and notice of proposed rulemaking for R7-2-1001 and R7-2-1011 regarding on-line bidding for school procurement. Seconded by Dr. Pedicone. *Motion passes.*

E. Consideration to Approve the Contract For Development and Administration of the Arizona Educator Proficiency Assessments (AEPA).

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented the background information and request for State Board approval of the contract for the development and administration of the AEPA with National Evaluation Systems (NES). Ms. Lori Lofton, Education Program Specialist, Educator Testing and Career Ladder, Arizona Department of Education presented background information and outlined the RFP process followed as delineated in the materials packet. Ms. Lofton stated that after review of the contract proposals were completed, discussion sessions were conducted with the two companies who submitted proposals and then best and final offers were submitted. The evaluation committee recommends that NES continue as the educator assessment contractor.

Ms. Hilde asked whether the cost to the applicant remains the same or whether there is an increase in cost. Ms. Lofton responded that there is a slight increase from \$5 - \$10 on individual examinations.

Motion by Ms. Hilde to approve the contract for development and administration of the Arizona Educator Proficiency Assessments (AEPA) with National Evaluations Systems (NES). Seconded by Ms. Kramer. *Motion passes.*

F. Presentation and Discussion of the Activities and Status of the ADE Blue Ribbon Technology Task Force.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, provided the attached PowerPoint. Ms. Wiebke reiterated that there is a Blue Ribbon Task Force on Technology and Regional Training Centers that are focusing on Superintendent Horne's initiatives of better schools, better teachers and better curriculum. The Blue Ribbon Task Force has 36 members and is comprised of different stakeholders in the field that have come to a consensus to focus efforts as they relate to:

- Accounting and Accountability, and
- Teaching and Learning.

Ms. Basha asked if all teachers would be technologically literate by 2006? Ms. Wiebke stated that they want to know what people need to know and how to do it. Technology plans are being put into place and the next challenge for the task force is how to assess it.

Ms. Basha asked if local districts are trying to do this?

Ms. Wiebke responded that they are not sure as Ms. Chris Castillo, Education Technology Specialist, Academic Achievement, Arizona Department of Education, is working on this aspect. Ms. Wiebke stated this is a concern that they know about but is something that does not have the same publicity as other areas.

G. Presentation, Discussion and Possible Consideration for Further Action Concerning Proposed Rule Amendments to R7-2-612 and R7-2-613 Regarding Early Childhood Education Certificates and Endorsements, Including But Not Limited To, Consideration to Approve Notice of Supplemental Rulemaking or to Close the Record and Approve Notice of Final Rulemaking.

Ms. Karen Woodhouse, Director of Early Childhood Education, Arizona Department of Education, provided an update on the Early Childhood Certification and Endorsement. (Please see information provided in materials packet)

Ms. Hilde expressed continued concern around those in the classroom for some time in a preschool setting that is tied to a public school. Ms. Hilde stated she thoroughly agrees with setting the standards but there are teachers who have been in the classroom and this will be an undue hardship for them to reach. Ms. Hilde asked if there is a grandfather process, i.e., developing a portfolio, taking the test without the hours behind it, etc., for those people who have perhaps five years or more experience and have a recommendation from the principal. Ms. Hilde cited a preschool that she has worked with for some time which has 6 teachers and 1 has a Bachelor's degree. Ms. Hilde reiterated her concern regarding losing teachers with many years' experience.

Ms. Woodhouse responded that she knows this is a point of concern and something they do not want to lose grasp on. Ms. Woodhouse noted that they are aware of Ms. Hilde's concerns and know that the process and input of the stakeholders and practitioners are valued. Precautions have been taken to involve stakeholders and practitioners, making sure decisions are not made exclusive of the people who are practicing in the field. Ms. Woodhouse stated she would again bring this concern to the group that is meeting this summer and added that public comment has not addressed this concern. Ms. Woodhouse restated their commitment and intent to seek every dollar available to help people who would like to pursue additional coursework. In addition, Ms. Woodhouse pointed out that there is a five-year implementation timeframe, which should give people adequate and reasonable time to attain that goal.

H. Presentation, Discussion and Consideration to Approve Articulated Academic Standards in Writing.

Ms. Kathy Kay, Director, Standards Development Process, Arizona Department of Education, presented background and public comment information, stating there was not a high amount of feedback. Various methods utilized to publicize the standards, collect public comment and write the draft were:

- Posting the standards and survey to the web site,
- Holding a road show,
- Conducting public hearings in Flagstaff, Phoenix and Tucson, and
- Utilizing external consultants in writing the draft from two national universities and Dr. Tiffany Raiser, American Studies Department, Arizona State University West.

The committee re-convened on May 27, 2004, using the public feedback and making some changes in response to the feedback from the public and national reviewers. Feedback has been received regarding:

- The clear and structured format,
- Alignment between the standards and materials,

- Clear continuity of student performance objectives within and across grade levels,
- Each grade level specifically articulated with all performance objectives,
- Specific guidelines and strong conventions,
- Minor suggestion of language changes to align with college instruction, and
- Suggestion for less grammar and use of performance objectives.

The committee voted unanimously to support and present the final draft to the State Board for approval that includes:

- Clear and easy-to-use Strand and Concept Frameworks,
- Precise Language, and
- High degree of alignment with 4<sup>th</sup> and 8<sup>th</sup> grade NAEP framework.

See complete presentation in materials packet.

Dr. Cindy Paredes, State National Assessment of Educational Progress (NAEP) Coordinator, presented the components that indicate strong alignment to the national benchmarks for writing. Dr. Paredes stated there is confidence there is a high degree of match between the performance objectives compared in the study from the Arizona Writing Standards with the NAEP writing framework. Six objectives in the NAEP writing framework were found to almost completely match the writing standards, with all but one being a complete match. Further studies are recommended to review the definition of achievement levels, the scoring guides and the prompt difficulty used by NAEP and compare this to how the actual assessments look in the future. Teachers can do this currently by reviewing the NAEP question tool which provides scoring guide samples, prompts and examples of how Arizona students have performed to date in writing. NAEP writing will be tested in 2007. In 2005 NAEP reading, math and science will be tested.

Ms. Kay stated that the committee felt this document provides teachers with specific and concise information for planning quality writing instruction. The goal is that students will learn the skills and knowledge needed to participate in society with the ability to communicate effectively for both career success and personal fulfillment.

Dr. Pedicone stated appreciation for the work and asked if this information has been shared with the universities. He added that teachers at the university level are not familiar with the framework and unless the terminology is familiar the student is at a disadvantage.

Ms. Kay responded that fortunately personnel from each university have served on the committee and have provided input. She added that if the university teachers were not aware before they are now and expressed hope that those committee participants will spread the word.

Motion by Ms. Hoover to approve the Articulated Arizona Academic Standards in Writing. Seconded by Ms. Kramer. *Motion passes.*

- I. Presentation and Discussion of the Status of Notice of Final Rulemaking for R2-7-405, R-2-7-407, R2-7-610 and R2-7-612 Regarding Exceptional Student Services, Including Administrative Rules for Due Process Hearings, Educational Interpreters and Braille Literacy. Possible Consideration to Open the Docket for R2-7-405 and Discussion of Draft Administrative Rules for Due Process Hearings.

Ms. Epstein reported on the status of the final rules adopted by the State Board relating to:

- Administrative Rules for due process hearings,
- Standards for Education Interpreters, and
- Braille Literacy.

Last month the Attorney General's Office completed final review and certified two areas, Education Interpreters and Braille Literacy. These rules have been published as a Notice of Final Rulemaking in the Arizona Administrative Register and will take effect shortly.

Ms. Epstein stated that the rules related to due process hearings were rejected by the Attorney General. The current system for parents of students with disabilities who allege that a school district is not providing appropriate services is a two-tier system.

Under the proposed rule, the intent was to create a one-tier system by having the Administrative Law Judge at the Office of Administrative Hearings conduct one hearing in order to resolve the matter. At that point, if either party were dissatisfied, there would then be an opportunity for a judicial review. Ms. Epstein stated that under statute the State Board couldn't make the Office of Administrative Hearings be the sole venue of resolving these disputes.

Ms. Epstein added that another rules proposal is being developed in conjunction with the Exceptional Student Services staff that captures the policy change being requested. A docket has been prepared concerning R7-2-405 that the State Board can vote to open which gives notice to the public that the State Board is considering further rulemaking in this area.

Ms. Kacey Gregson, Exceptional Student Services, Arizona Department of Education, reiterated that they have gone back through the rules, making changes according to the Attorney General's suggestions. Ms. Gregson stated that they have been working with Ms. Jennifer Pollock, Assistant Attorney General, to redefine hearing officer so it can be either an Administrative Law Judge or an individual contracted by the Department. Ms. Gregson noted it is hoped that by creating options the Attorney General's Office may be happier with the rules. Ms. Gregson added that the hearings will be processed through the Arizona Department of Education, have a hearing officer assigned by the Department, and then have the option of either sending it to an independent hearing officer or to the Office of Administrative Hearings. This would still allow the first tier to be eliminated. Ms. Gregson noted that some changes have already been made at the suggestion of the Attorney General:

- Allowing for telephonic pre-hearing conferences,
- Allowing the assigned hearing officer to decide on the location of the hearing if the parties are not able to come to an agreement, and
- Eliminating from the rule any references to the Office of Administrative Hearings following the Department's mandated procedures.

Ms. Epstein added that the rules package would be circulated to the stakeholders shortly. In addition the Special Education Advisory Panel (SEAP) will also meet regarding this issue.

Ms. Epstein stated that if the State Board is so inclined it would be appropriate to open the docket and after the appropriate stakeholder involvement proposed rules will be brought back to the State Board for further action.

Motion by Ms. Hilde to approve Opening the Docket for R7-2-405 regarding administrative rules for due process hearings for exceptional students. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Hilde asked if this covers all issues where changes were being made. Ms. Gregson responded that this should cover them.

- J. Discussion and Possible Legal Action Regarding Settlement Agreement Discussions with Phoenix Newspapers, Inc., Regarding Release of High School AIMS Test Items.  
Pursuant to A.R.S. §38-431.03 (A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding the Board's position in connection with this issue.

Ms. Epstein stated that years back there was some litigation concerning the release of test questions being used to test kids as a graduation requirement. The Arizona Court of Appeals held that the Department was required to release non-anchor questions of the Form A of the AIMS test. Following that a Settlement Agreement was entered into in March 2002 between Phoenix Newspapers, the Arizona Department of Education and the State Board of Education, which set forth a schedule for release of further test items. Some of those test items were developed by CTB McGraw-Hill and when those items were released litigation ensued against the State for releasing that information. Several months ago Phoenix Newspapers was approached to see if there was a way to renegotiate the Settlement Agreement to appropriately release publicly discloseable and appropriate items under the AIMS tests but in a manner that would not risk further liability to the State. At this point, we do not have a Settlement Agreement for the Board's approval so no action is being requested at this time, but it is recommended



to move into Executive Session to receive legal advice in this matter with the anticipation of having an Agreement by August to bring back to the Board.

- K. Discussion and Possible Legal Action Regarding Grant Eligibility for Districts with USFR Consent Agreements with the Board. Pursuant to A.R.S. §38-431.03 (A) (3), the Board may vote to go into Executive Session for consultation and legal advice in connection with this issue.

Ms. Epstein stated this concerns grant eligibility for districts with USFR Consent Agreements. The Arizona Department of Education has adopted a policy providing that districts that are not in compliance with state and federal law and especially with the USFR are not eligible for federal discretionary funds. This Board in the past in dealing with districts that have been out of compliance with USFR has from time to time entered into Consent Agreements with those districts. Ms. Epstein feels it is appropriate to provide legal advice as to what the options are for applying the ADE policy to consent agreements. It is possible the Board may come back to take legal action.

Motion by Ms. Hilde to go into Executive Session for consultation and legal advice in connection with Items 6 J and 6K. Seconded by Dr. Diethelm. *Motion passes.*

*The Board went into Executive Session at 12:10PM and Superintendent Horne joined by phone. The Board reconvened at 1:05PM. Dr. Crow was absent for the Executive Session and the remainder of the meeting.*

Ms. Epstein stated that the Board has received legal advice with regards to the Board's options concerning the eligibility of school districts with USFR Consent Agreements for federal discretionary grants. The options have been outlined and it is appropriate for a motion to be made at this time. Motion by Ms. Hilde to direct staff to include a provision in future consent agreement with districts who are not in compliance with the Uniform System of Financial Reporting (USFR) stating that they will be treated as "high risk grantees" with respect to competitive grants. Seconded by Ms. Kramer. *Superintendent Horne joined by phone and Ms. Farley reiterated the motion. Motion passes.*

*NOTE: Superintendent Horne did not participate in the remainder of the meeting for Items 6D, 6E, 6F, 6G, 6H, 6I and 6L but was available by phone if needed.*

- L. Presentation and Discussion of Current Activities and Status of the Student Accountability Information System (SAIS).

Mr. Hayford Gyampoh, Director, Management Information Systems (MIS), Arizona Department of Education, presented the history, challenges, status and future goals of SAIS. Please see complete PowerPoint Presentation and information in materials packet.

Mr. Gyampoh stated that no changes to the system would be made without involving stakeholders. Dr. Diethelm asked if "what if?" reports could be produced in this system. Mr. Gyampoh responded that these reports could be produced; the base data is in place, but the Department is understaffed at this time. The best way to see reports is by taking a snapshot of the data after a period of time because the data is a moving target throughout the year.

Dr. Diethelm suggested that a long-term chart of data would be helpful to see trends. In addition, Dr. Diethelm expressed interest in knowing the cost of maintaining the average LEA.

Mr. Gyampoh stated there are no specific numbers however most LEAs have dedicated individuals (one or more) to SAIS and that is expensive.

Dr. Pedicone added that this creates some issues in an attempt to cut back on administrative costs and manage this area as well.

Dr. Diethelm noted that it is not obvious that all LEAs believe they are getting what they are paying for and on the other hand it is not obvious now which direction this may be going.

Mr. Gyampoh noted it has always been much cleaner data and detailed data would help this agency and stakeholders to run critical reports.

Dr. Pedicone added that there is still some residual paranoia as to what the data is going to do and how it is going to be used. There is a greater comfort level for the Department, however, there is still concern and constant communication is critical.

Ms. Hilde asked if this presentation has been given to ASA, ASBA, and others? Ms. Hilde noted that this is a very thorough presentation which could assist in explaining the changes in SAIS and how it operates now as well as dispelling the “floating impression” that this is still burdensome and not yet accurate.

Mr. Gyampoh responded that they have presented to DETA and ABEC and will make sure everyone hears this report.

Dr. Pedicone suggested that ASA or one of those organizations be presented to first to get reactions before going on to other organizations.

Dr. Diethelm added that partnering with one of the LEAs to make this presentation may be helpful.

Ms. Basha cited a recent ASU report that criticized the lack of data in this field and asked how we really know what is working and what isn't. Ms. Basha asked if this will provide information that can be applied to public policy making decisions based on facts rather than what we think is happening.

Mr. Gyampoh responded, “Absolutely” and added that that report watered down projects being undertaken at the Department. Right now the Department is working with the testing vendor so that all test information will come with SAIS identification, enabling them to tie achievement results with the information in SAIS. In addition, the Superintendent wants the education system developed to provide a rich database.

Ms. Basha asked if this includes charter schools and Mr. Gyampoh added that they are included and it is going well. He added that efforts are being stepped up to reach out to the charter school community and include them in the meetings.

Ms. Basha stated concern regarding losing track of students as they migrate between charter and district schools.

Mr. Gyampoh stated that the data would show every district an individual is enrolled in. If the data has been received, it can be reported.

## 6. ADJOURN

Motion to adjourn by Dr. Pedicone. Seconded by Dr. Diethelm. *Motion passes.*

Meeting adjourned at 2:45PM.